

NEW MEXICO JUDICIAL BRANCH

GENERAL POLICY & PROCEDURE

Reference NMJBPR Part 1, Section 3.04D

STAND BY PAY POLICY

1. PURPOSE

The purpose of this policy is to establish the procedure regarding stand by pay. This policy applies only to FLSA Non-Exempt employees.

2. POLICY CONSIDERATIONS

It is the policy of the New Mexico Judicial Branch to provide additional compensation to any designated FLSA Non-Exempt employee, who is required to be on stand-by.

3. DEFINITIONS

- A. **Employee** - A person who holds a permanent or term position within the Judicial Branch excluding a justice or judge or at-will employee.
- B. **Stand-By** - Time an employee is required to remain available to come to work if called.
- C. **FLSA Exempt** - An employee who is "exempt" from the FLSA overtime provisions and may be paid or compensated for overtime worked in excess of 80 hours in a pay period at straight time.
- D. **FLSA Non-Covered** – All at-will employees are not covered under the FLSA and are therefore not entitled to overtime.
- E. **FLSA Non-Exempt** - An employee who is covered by FLSA overtime provisions and is paid or compensated at time and one-half for actual hours worked in excess of 40 hours in a designated work week.

4. DESIGNATION, NOTIFICATION AND RESPONSE

The Administrative Authority or designee shall in advance, designate and inform an employee required to be on stand by status and shall set specific time limits for expected employee response. An employee in stand by status shall stay sufficiently close to the workplace in time and distance, such that the employee can respond to calls to report to work as established by the Administrative Authority or designee.

NEW MEXICO JUDICIAL BRANCH

GENERAL POLICY & PROCEDURE

Reference NMJBPR Part 1, Section 3.04D

5. STAND-BY PAY

- A. An employee who is FLSA non-covered or exempt will not receive any additional compensation or compensatory time off for being on stand-by status.
- B. An employee who is FLSA non-exempt will be paid \$1.25 for every hour of stand by status.
- C. Stand-by time, other than actual time spent responding to an emergency is not considered work time for overtime calculation.

Effective Date: November 12, 2010



Arthur W. Pepin, Director
Administrative Office of the Courts

Date

12/7/10

Stand By Pay Policy

Inquiries: Administrative Office of the Courts, Human Resources Division 827-4937 or 827-4810

Distribution: All employees of the New Mexico Judicial Branch

Retain Until Superseded: Dev 11/12/10